

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DONNA M. TRUSKY on behalf of herself
and all others similarly situated,

Plaintiff,

Case No. 11-12815

vs

Hon. Sean F. Cox

GENERAL MOTORS COMPANY
300 Renaissance Center
Detroit, MI 48243

Defendant.

RESPONSE TO JULY 13, 2011 ORDER TO SHOW CAUSE

On July 13, 2011, this Court issued an Order directing Plaintiff to show cause why this case should not be dismissed for lack of subject matter jurisdiction.

Plaintiff avers that this Court has jurisdiction under the Class Action Fairness Act ("CAFA"). CAFA confers federal jurisdiction for certain class actions in which the amount in controversy exceeds \$5 million, and in which there is some diversity of the parties. 28 U.S.C § 1332(d). In the Order to show cause, the Court correctly notes that the Complaint did not allege the citizenship of Ms. Trusky and did not allege that the amount in controversy exceeds \$5,000,000.

Plaintiff hereby submits an affidavit addressing both issues. Ms. Trusky is a citizen of the Commonwealth of Pennsylvania. (Trusky Aff., Exhibit 1). In her affidavit, Ms. Trusky further alleges that the amount in controversy in this action exceeds \$5,000,000. (Id.)

Plaintiff respectfully submits that Ms. Trusky's affidavit demonstrates that this Court has subject matter jurisdiction pursuant to CAFA.

Respectfully submitted,

FINK + ASSOCIATES LAW

By: /s/ Darryl Bressack
David H. Fink (P28235)
Darryl Bressack (P67820)
100 West Long Lake Rd.; Suite 111
Bloomfield Hills, Michigan 48304
(248) 971-2500
dfink@finkandassociateslaw.com

Dated: July 26, 2011

CERTIFICATE OF SERVICE

I hereby certify that on July 26, 2011, I electronically filed the foregoing document with the Clerk of the Court using the ECF system which will send notification of such filing to all attorneys of record registered for electronic filing.

Respectfully submitted,

FINK + ASSOCIATES LAW

By: /s/ Darryl Bressack
David H. Fink (P28235)
Darryl Bressack (P67820)
100 West Long Lake Rd.; Suite 111
Bloomfield Hills, Michigan 48304
(248) 971-2500
dfink@finkandassociateslaw.com

Dated: July 26, 2011